

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DATE:** June 6, 2013

**LEONARD DAVIS**  
**Judge Presiding**

Court Reporters: Shea Sloan  
Judy Werlinger

Law Clerk: Blaine Larson

Court Administrator: Rosa L Ferguson

<b>ERICSSON, INC, ET AL</b>  <b>V</b>  <b>D-LINK CORPORATION, ET AL</b>	<b>CIVIL ACTION NO: 6:10-CV-473</b> <b>JURY TRIAL – DAY 4</b>
<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANTS</b>
<b>SEE SIGN-IN SHEETS</b>	

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:00 am

**ADJOURN:** 4:15 pm

<b>TIME:</b>	<b>MINUTES:</b>
9:00 am	Trial resumed. <b>Jury not present.</b>
	Mr. Jones addressed the Jury on the sealed portion of the testimony with the witness this morning.
	Mr. Jones addressed the Court regarding licenses and asked for a continuing objection.
	Court asked for the Jury. <b>Jury seated in the courtroom.</b>
	Court welcomed the Jury back.
	<b>Mr. JOHN BONE</b> on the witness stand. Direct examination of Mr. Bone continued.
9:05 am	Mr. Campbell asked that the courtroom be sealed.
	<b>SEALED PROCEEDINGS.</b>
	Direct examination of Mr. Bone by Mr. Campbell continued.
9:35 am	Mr. Campbell asked that the courtroom be unsealed.
	<b>PROCEEDINGS UNSEALED.</b>
	Direct examination of Mr. Bone by Mr. Campbell continued.
	Mr. Campbell passed the witness. Cross examination of Mr. Bone by Mr. Jones.
9:50 am	Mr. Jones asked that the courtroom be sealed.
	<b>SEALED PROCEEDINGS.</b>
	Recross examination of Mr. Bone continued.
	Mr. Jones asked that the courtroom be unsealed.

TIME:	MINUTES:
	<b>PROCEEDINGS UNSEALED.</b>
	Cross examination of Mr. Bone by Mr. Jones continued.
10:15 am	Court in recess.
10:35 am	Trial resumed. Jury seated in the courtroom.
	Cross examination of Mr. Bone by Mr. Jones continued.
	Mr. Jones passed the witness. Redirect examination of Mr. Bone by Mr. Campbell.
10:40 am	Mr. Campbell asked that the courtroom be sealed.
	<b>SEALED PROCEEDINGS.</b>
	Redirect examination of Mr. Bone by Mr. Campbell continued.
	Mr. Campbell passed the witness. Recross examination of Mr. Bone by Mr. Jones.
	Mr. Jones passed the witness.
	Court unsealed the Courtroom. <b>PROCEEDINGS UNSEALED.</b>
	Court asked for the Jury to pass questions for this witness.
	Court asked counsel to approach the bench. (Bench Conference held).
10:50 am	Court excused the Jury for a few moments.
	Jury not present. Court read the Questions that are marked through and will not ask those questions. Court read a Question not marked through and inquired of the witness if he could answer the question.
	Court asked for objections. Mr. Cawley does not have objection. Mr. Jones does have objections. Mr. Cawley addressed the Court. Mr. Jones responded. Court asked witness to answer.
	Court overruled objection and will allow the Jury's question to be answered.
10:58 am	<b>Jury seated in the courtroom.</b>
	Court asked the Jury Question to Mr. Bone. Mr. Bone responded.
	Court asked for follow up questions. None from plaintiff.
	Recross examination of Mr. Bone by Mr. Jones.
	Mr. Cawley addressed the Court on Exhibits.
	Ms. Moore addressed the Court and has a list to tender, but PX 562 – 565 on the list have not been resolved. Mr. DeVries responded and has no objections.
	Ms. Moore tendered Plaintiffs' Pre-Admitted Exhibit List for June 6, 2013, and List was marked as <b>Plaintiffs' Exhibit List 4</b> . Without objection, exhibits on list admitted. Admitted Exhibits: <b>Plaintiff's Exhibit 542 – 546, 562 - 565.</b>
	Mr. DeVries tendered Defendants' List of Pre-Admitted Exhibit List for June 6, 2013, and List was marked as <b>Defendants' Exhibit List 4</b> . Without objection exhibits on list admitted. Admitted Exhibits: <b>Defendants' Exhibit 4, 5, 38, 113, 169, 227, 230, 244, 255, 291, 450, 479, 518, 543, 546, 602, 606, and 607.</b>
	Mr. Cawley addressed the Court and the <b>PLAINTIFFS REST.</b>
	Mr. Van Nest asked to address the Court. (Bench Conference held – Court will take up JMOLs at the noon break.)
	Mr. Van Nest called <b>JAMES JOHNSON</b> to the witness stand. Witness previously sworn.
	Direct examination of Mr. Johnson by Mr. Dauchot.
	Mr. Dauchot passed the witness. Recross examination of Mr. Johnson by Mr. Cawley.
	Mr. Cawley passed the witness. Redirect examination of Mr. Johnson by Mr. Dauchot.

<b>TIME:</b>	<b>MINUTES:</b>
	Mr. Dauchot passed the witness.
	Court asked for the Jury to pass in their questions.
11:52 am	Court recessed the Jury until 12:30.
	<b>Jury not present in the courtroom.</b>
	Court read Question to the parties. Mr. Cawley responded. Mr. Dauchot concurs. Court will not ask that question.
	Mr. Dauchot asked for witness to be excused.
11:55 am	Court in recess.
12:30 pm	Trial resumed. <b>Jury not present.</b>
	Mr. Stevenson addressed the Court on a Limine issue regarding introducing Intel patents and asked for an instruction. Mr. Stevenson tendered to the Court their and the Defendants' proposals. Mr. DeVries addressed the Court and responded. Mr. DeVries tendered an alternate instruction to the Court. Court will proceed with the testimony and see how the testimony proceeds.
	Mr. DeVries addressed the Court on exhibits that may be offered and objects. Mr. Stevenson responded that they are patents and will be used for impeachment only. Court asked that parties approach the bench first. Court asked for the jury.
	<b>Jury seated in the courtroom.</b>
	Mr. Arovas called <b>DUNCAN KITCHIN</b> to the witness stand. Witness sworn.
	Direct examination of Mr. Kitchen by Mr. Arovas.
	Mr. Stevenson asked to approach the bench (Bench Conference held).
	Direct examination of Mr. Kitchen by Mr. Arovas continued.
	Court gave the Jury an instruction on patents.
	Direct examination of Mr. Kitchen by Mr. Arovas continued.
	Mr. Arovas passed the witness. Cross examination of Mr. Kitchen by Mr. Stevenson.
	Mr. Stevenson passed the witness. Mr. Arovas addressed the Court and asked to mark demonstrative use, as DX 608 (Demonstrative).
	Redirect examination of Mr. Kitchen by Mr. Arovas.
	Mr. Arovas passed the witness. Recross examination of Mr. Kitchen by Mr. Stevenson.
	Mr. Stevenson passed the witness. Redirect examination of Mr. Kitchen by Mr. Arovas.
	Mr. Arovas passed the witness.
	Court asked the Jury to pass up their questions.
2:35 pm	Court recessed Jury until 2:50 pm.
	<b>Jury not present.</b> Court read Question No. 1 and 2. Parties do not object. Court read Question No. 3. Mr. Stevenson responded. Mr. Arovas responded. Court will ask both the questions.
2:36 pm	Court in recess.
2:50 pm	Trial resumed. <b>Jury seated in the courtroom.</b>
	Court asked Mr. Kitchen Question No. 1&2 together. Mr. Kitchen responded.
	Court asked Mr. Kitchen Question No. 3. Mr. Kitchen responded.
	Court inquired of parties if they had follow-up questions.
	Recross examination of Mr. Kitchen by Mr. Stevenson.
	Redirect examination of Mr. Kitchen by Mr. Arovas.

<b>TIME:</b>	<b>MINUTES:</b>
	Mr. Van Nest called <b>WILLIAM MCFARLAND</b> to the witness stand. Witness sworn.
	Direct examination of Mr. McFarland by Mr. Mitchell.
	Mr. Mitchell passed the witness. Cross examination of Mr. McFarland by Mr. Campbell.
	Mr. Campbell passed the witness. Redirect examination of Mr. McFarland by Mr. Mitchell.
	Mr. Mitchell passed the witness.
3:50 pm	Court recessed the Jury for 5 minutes.
	<b>Jury not present.</b>
	Court read Question No. 1. No objections. Court inquired of the witness to answer. Witness answered.
	Court read Question No. 2. Witness answered. No objections.
	Court read Question No. 3. Mr. Campbell objects. Mr. Van Nest concurs.
	Court read Question No. 4. No objections. Witness answered the question.
	Court read Question No. 5. No objections. Witness can answer.
	Court read Question No. 6. No objections. Witness can answer.
	Court asked for the Jury. Mr. Arovas asked to release Mr. Kitchin. Court released.
	<b>Jury seated in the courtroom.</b>
	Court read Question No. 1 to the Witness. Mr. McFarland answered.
	Court read Question No. 2 to the Witness. Mr. McFarland answered.
	Court read Question No. 4 to the Witness. Mr. McFarland answered.
	Court read Question No. 5 to the Witness. Mr. McFarland answered.
	Court read Question No. 6 to the Witness. Mr. McFarland answered.
	Mr. Campbell asked Mr. McFarland some follow up questions.
	Mr. Mitchell asked Mr. McFarland some follow up questions.
	No further questions. Court excused the witness.
	Court addressed the Jury and excused them until 9:00 a.m. on Monday morning. Court gave the Jury an estimated time for trial to be over next week. Court reminded Jury of its instructions.
	<b>Jury excused.</b>
	Court addressed parties and gave them their times. Plaintiff has used 10 hours and 35 minutes and Defendants have used 7 hours and 13 minutes. Court instructed the parties to contact Mediator and discuss positions and follow his lead. Court asked parties to re-evaluate positions and see if this matter can be resolved.
	Mr. Van Nest addressed the Court on filing JMOL this evening.
4:15 PM	There being nothing further, Court adjourned.